Remarks

Claims 1, 2, 4-10 and 12-14 as listed above are pending in the present application. Claims 1 and 7 are amended above to better clarify the claimed invention.

No new matter is introduced herein.

Telephone Interview

Applicants thank the Examiner and the Examiner's Supervisory Patent Examiner for the courtesies extended Applicants' representative in a telephone interview conducted on March 15, 2011 in which the rejection of independent claims 1 and 7 was discussed. Applicants' representative discussed how the claimed invention differs from U.S. Patent No. 6,344,878 to Emura (hereinafter "Emura"). The Examiner and Supervisory Patent Examiner suggested claim amendments.

For the purpose of advancing the prosecution of the present application, Applicants have amended claims 1 and 7 above in accordance with the aforementioned amendments suggested by the Examiner and Supervisory Patent Examiner.

Claim Rejections – 35 USC § 102

Claims 1, 2, 4, 7, 10 and 12 stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,344,878 to Emura (hereinafter "Emura"). For the reasons stated below, Applicants respectfully assert that this rejection does not apply to the claims as amended herein.

The arguments previously made by Applicants as to why claims 1, 2, 4, 7, 10 and 12 are novel over Emura are herein incorporated by reference.

Additionally, Applicants respectfully disagree with the Examiner's argument that the limitation "wherein an electronic program guide service is not used" is not clear. (Final Office Action, Pages 4-5.) Nonetheless, in the interest of advancing the prosecution of the present application, Applicants have amended claims 1 and 7 above to recite that the "electronic program guide service is not used to record the video program." By contrast, as acknowledged by the Examiner and Supervisory Patent Examiner in the aforementioned telephone interview, Emura uses an EPG service to record video programs.

For the reasons incorporated by reference and set forth above, therefore, independent method claim 1 is not anticipated by Emura. The above discussion also applies to independent apparatus claim 7, which recites analogous language. Pending claims 2 and 4, which depend from claim 1 and pending claims 10 and 12, which depend from claim 7, and recite additional limitations, are likewise not anticipated by Emura, for at least the reasons stated above.

Additionally, with respect to claim 2, the Examiner asserts that Emura shows title insertion in Fig. 11. Fig. 11 of Emura, however, shows a television program schedule table and a renewed television program schedule table (col.13, lines 16-31), but does not show title insertion. In particular, automatic title insertion into a future instance of a recurring timer is not shown.

For the reasons set forth above, therefore, Applicants respectfully assert that the rejection of claims 1, 2, 4, 7 10 and 12 under 35 U.S.C. § 102 should be withdrawn.

Claim Rejections – 35 USC § 103

Claims 5, 6, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Emura in view of U.S. Patent No. 5,872,588 to Aras et al. (hereinafter "Aras"). Applicants respectfully disagree for the following reasons.

The Examiner relies on Aras as allegedly disclosing a method wherein additional information is extracted from a vertical blanking interval of an analogue video signal.

Assuming arguendo that Aras teaches what the Examiner purports, and even if Aras can be properly combined with Emura, Aras does not overcome the deficiencies of Emura discussed above and previously argued with respect to independent claims 1 and 7.

As such, for the reasons stated above, independent claims 1 and 7 would not be rendered unpatentable by Emura in view of Aras. For at least the foregoing reasons, therefore, Applicants respectfully assert that claims 5, 6, 8 and 9, which depend from independent claims 1 and 7, are not rendered unpatentable by Emura in view of Aras. Applicants respectfully assert that the rejection of claims 5, 6, 8 and 9 under 35 U.S.C. § 103(a) should therefore be withdrawn.

Claims 13 and 14 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Emura. Applicants respectfully disagree for the following reasons.

The Examiner relies on official notice "that the use of program type is old and well-known in the recording art." Without documentary evidence that this is in fact the case, particularly in combination with the other limitations of claims 13 and 14 explicitly recited or incorporated by dependence, Applicants respectfully disagree. Moreover, the Examiner's reliance on official notice without documentary evidence, particularly under final rejection, is inappropriate where, as here, "the facts asserted to be well-known, or to be common knowledge in the art are [not] capable of instant and unquestionable demonstration as being well-known." (See MPEP 2144.03.)

Moreover, assuming arguendo that what the Examiner purports is true, it would not overcome the deficiencies of Emura discussed above and previously argued in connection with independent claims 1 and 7 from which claims 13 and 14 depend.

As such, for the reasons stated above, claims 13 and 14 are not rendered unpatentable by Emura. Applicants respectfully assert that the rejection of claims 13 and 14 under 35 U.S.C. § 103(a) should therefore be withdrawn.

Conclusion

In view of the remarks and amendments presented herein, Applicants respectfully assert that all pending claims, claims 1, 2, 4-10 and 12-14, are in condition for allowance. Prompt reconsideration and advancement of the present application to allowance are earnestly solicited.

No fee is believed to be due in this application at this time. Should any fee be due, however, please charge such fee against deposit account 07-0832.

Respectfully submitted,
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